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ORIGINAL**BEFORE THE ARIZONA CORPORATION COMMISSION****RECEIVED****COMMISSIONERS**

KRISTIN K. MAYES, Chairman
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Arizona Corporation Commission

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JUL -6 2009

DOCKETED BY

QWEST CORPORATION,

Complainant,

DOCKET NO. T-01051B-09-0307

DOCKET NO. T-03267A-09-0307

VS

MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC., dba PAETEC BUSINESS
SERVICES,

Respondent.

PROCEDURAL ORDER**BY THE COMMISSION:**

On June 9, 2009, Qwest Corporation ("Qwest") filed with the Arizona Corporation Commission ("Commission") a Formal Complaint against McLeodUSA Telecommunications Services, Inc. ("McLeod"), asserting that McLeod's Wholesale Service Order Charge violates state and federal law and public policy and should be stricken from McLeod's Tariff because it is discriminatory, anticompetitive, and unjust or unreasonable. Qwest asserts that McLeod assesses the charge of \$24.24 whenever an Arizona end-user telecommunications customer switches its intrastate telecommunications service provider from McLeod to Qwest and further asserts that McLeod assesses the charge only against Qwest.

On July 1, 2009, McLeod filed an Answer to Qwest's Complaint, denying many of Qwest's factual assertions, denying that Qwest is entitled to the relief requested in its Complaint, and asserting that the Commission should deny Qwest's Complaint.

It is now appropriate to schedule a procedural conference to discuss scheduling and the procedures to be followed in this matter. As it appears that this matter may raise policy issues, it is also appropriate to require the Commission's Utilities Division Staff ("Staff") to appear and participate at the procedural conference scheduled herein and to lend its expertise to the Commission in this matter.

1 IT IS THEREFORE ORDERED that a **procedural conference** shall be held in this matter on
2 **July 27, 2009, at 10:00 a.m.**, or as soon thereafter as is practicable, in **Room 100** at the
3 Commission's offices, 1200 West Washington, Phoenix, Arizona 85007.

4 IT IS FURTHER ORDERED that **Staff shall appear and participate** at the procedural
5 conference scheduled herein.

6 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
8 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
9 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
10 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
11 Administrative Law Judge or the Commission.

12 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
13 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
14 *pro hac vice*.

15 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized
16 Communications) applies to this proceeding and shall remain in effect until the Commission's
17 Decision in this matter is final and non-appealable.

18 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
19 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

20 DATED this 6th day of July, 2009.

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24 SARAH N. HARPRING
25 ADMINISTRATIVE LAW JUDGE
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1 Copies of the foregoing mailed/delivered
2 this 10th day of July, 2009, to:

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18 By: 
19 Debra Broyles
20 Secretary to Sarah N. Harpring
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